

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

MARTEN GROUP, INC. d/b/a
SENERGY MEDICAL GROUP and
SCOTT TENNANT,

Plaintiffs,

v.

JERALD TENNANT, MD, JOHN
TENNANT, TERESA JESSEN
TENNANT, JARED TENNANT,
TENNANT DEVICES AND
ACCESSORIES, LLC, and
CURADOR,
LLC,

Defendants.

Case No. 3:24-cv-01852

JURY TRIAL DEMANDED

**DEFENDANTS' UNOPPOSED MOTION FOR LEAVE TO FILE AN
AMENDED MOTION FOR PRELIMINARY INJUNCTION AND
SUPPLEMENTAL DECLARATION**

Defendants/Counter-Plaintiffs, Dr. Jerald Tennant and Tennant Devices & Accessories, LLC (collectively Dr. Tennant) respectfully request leave to file an amendment to the pending motion for preliminary injunction and supplemental declaration to correct a handful of factual statements based on recently discovered evidence. The reasons for this unopposed motion¹ are set forth below.

1. Dr. Tennant filed a Motion for Preliminary Injunction (Dkt. No. 24) on August 28, 2024 to address plaintiffs/counter-defendants' ongoing infringement of Dr. Tennant's trademarks. On June 21, 2024, Dr. Tennant terminated certain Royalty Agreements that granted plaintiffs/counter-defendants license to use Dr. Tennant's trademarks. After the termination notice and expiration of the 30-day notice period, plaintiffs/counter-defendants have continued to use Dr. Tennant's trademarks without permission.

2. The Motion cites Royalty Agreements between Dr. Tennant and Scott Tennant entered in 2003 and 2012. The Motion also notes that in March 2016 and April 2016, each side proposed a modification to the Royalty Agreements. The Motion inaccurately states that the May 2016 modification was not signed by Dr.

¹ Pursuant to LCR 7.1(a), Dr. Tennant conferred with plaintiffs regarding this motion for leave to file an amended motion for preliminary injunction and supplemental declaration. Plaintiffs responded on October 9, 2024 that they would not oppose such a motion.

Tennant.

3. On October 3, 2024, Dr. Tennant's daughter located files in storage that included the fully executed April 22, 2016 addendum. After investigating these materials, defendants produced them to plaintiffs on Monday, October 7, 2024.

4. Dr. Tennant respectfully seeks to amend the Motion to correct two statements about the Royalty Agreements and the April 22, 2016 addendum. The proposed changes are included in the Motion attached hereto (App. 1-38), and reflect the following two changes:

- On page 5 (App. 11), adding a footnote explaining that Senergy Medical Group, through a document signed by Scott Tennant on October 1, 2012, agreed to the Royalty Agreement terms with Dr. Tennant.
- On page 6 (App. 12) deleting the last sentence of the first full paragraph ("Dr. Tennant never signed Addendum 2.") because Dr. Tennant signed the April 22, 2016 modification that Scott Tennant proposed.

5. Dr. Tennant also seeks leave to file a supplemental declaration (App.

39-75) solely to authenticate the recently discovered documents and ensure they are part of the record for the Court's review as needed.

6. Because Dr. Tennant promptly provided the documents to plaintiffs after discovering them, including (a) 9 days before his rescheduled deposition, and (b) 17 days before plaintiffs' response to the preliminary injunction is due, there is no prejudice to plaintiffs from the submission of the amended preliminary injunction motion and supplemental declaration.

For the foregoing reasons, Dr. Tennant respectfully requests that the Court grant Dr. Tennant's Motion for Leave to File an Amended Preliminary Injunction and Supplemental Declaration.

Dated: October 10, 2024

Respectfully submitted,

/s/Tyler L. Farmer

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CURADOR, LLC

CERTIFICATE OF CONFERENCE

Pursuant to Local Rule CV-7(i), the undersigned certifies that the parties have complied with the meet and confer requirements of Local Rule CV-7(h) and that the foregoing motion and relief sought therein is unopposed.

By: /s/Tyler L. Farmer
Tyler L. Farmer

CERTIFICATE OF WORD COUNT

Pursuant to Section II.A. of the Court's Procedures for Cases Assigned to District Judge Ada Brown and Standing Order, the undersigned hereby certifies that, per the word-processor register, the foregoing Motion contains 462 words, excluding the case caption, signature block, and certificates.

By: /s/Tyler L. Farmer
Tyler L. Farmer

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served upon all counsel of record through CM/ECF on October 10, 2024.

By: /s/Tyler L. Farmer
Tyler L. Farmer